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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, VAN KIM T	

ART UNIT	PAPER NUMBER
2456	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,850	PETROV ET AL.	
	Examiner	Art Unit	
	Van Kim T. Nguyen	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,16,18,20,21,25,26,30,31,33,35-37,39 and 41-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,16,18,20,21,25,26,30,31,33,35-37,39 and 41-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/29/10*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to communications filed on January 29, 2010.

Claims 42-47 have been added; thus claims 15-16, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41-47 remain pending in the case.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on January 29, 2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

3. Applicant's arguments with respect to claims 15-16, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41-47 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. Claims 15-16, 20-21, 30-31, 35-37 and 41-47 are rejected under 35 U.S.C.103(a) as being unpatentable over Viswanath et al. (US 7,206,827), in view of Jung et al (US 6,308,208), and further in view of Gorman (US 6,795,791).

Regarding claim 15, Viswanath discloses a multi-service monitoring system comprising:

computer server system having a cluster of application servers (108A-B, Figure 1) communicatively coupled on a computer network (102; Figure 1) to serve applications over the computer network to a plurality of computer clients systems (100, Figure 1), each of the

application servers comprising server nodes (col. 7: line 30 – col. 8: line 62), wherein each computer server system including an application server (200, 202; Figures 2-6) having:

an administration service (212, 216, 224; Figure 6) to generate runtime Beans, each runtime Bean associated with a server node and one or more resources associated with the server node (col. 10: lines 31-67);

a monitor service (212, 216, 224; Figure 6) in communication with the administration service, the monitor service to generate monitor Beans (listeners 352 may be created for each component 350 being generated; col. 10: lines 26-63, col. 13: lines 22-29, col. 17: lines 16-25, and col. 24: lines 1-27).

Viswanath does not explicitly disclose each runtime Bean collecting monitoring data for its one or more associated resources and reporting the monitoring data to a corresponding monitor Bean; and each monitor Bean having a resource identifier to identify its corresponding runtime Bean.

Jung discloses each runtime Bean collecting monitoring data for its one or more associated resources and reporting the monitoring data to a corresponding monitor Bean (col. 7: line 20 – col. 8: line 13; Figures 6-7); and each monitor Bean having a resource identifier to identify its corresponding runtime Bean (each monitoring cell 52 is uniquely identifiable among other cells; col. 7: lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Jung's teaching of adding resource identifiers field in Viswanath's system, motivated by the need of properly managing and monitoring remote resources.

Viswanath-Jung does not explicitly disclose the Beans are MBeans, wherein each monitor MBean being directly mapped to a corresponding runtime MBean and indirectly mapped to a resource associated with the corresponding MBean and its associated runtime MBean.

Gorman teaches the Beans are MBeans, wherein each monitor MBean being directly mapped to a corresponding runtime MBean and indirectly mapped to a resource associated with the corresponding MBean and its associated runtime MBean (col. 3: line 23 – col. 4: line 60).

It would have been obvious to one of ordinary skill in the art at the time the invention as made to apply Gorman's teaching of managing MBeans in Viswanath-Jung's system, motivated by the need properly managing and monitoring network resources.

Claims 30 and 36 are rejected under the same basis.

Regarding claim 16, Viswanath-Jung-Gorman also discloses wherein each computer server system including an application server further having a notification service to generate notifications in response to occurrence of one or more specified events relating to one or more runtime MBeans or one or more monitor MBeans, the notification service providing the notifications to each application server in the cluster of application servers (col. 13: lines 41-52, col. 19: lines 4-19, and col. 22: line 12 – col. 23: line 55; Viswanath).

Claims 31 and 37 are rejected under the same basis.

Regarding claim 20, Viswanath-Jung-Gorman also discloses runtime MBeans include standard runtime MBeans and specific runtime MBeans, the standard runtime MBeans providing one or more predefined standard functions for their associated resources (col. 21: lines 13-29;

Viswanath), and the specific MBeans providing one or more resource-specific functions for their associated resources (col. 21: lines 44-48; Viswanath).

Claims 35 and 41 are rejected under the same basis.

Regarding claim 21, Viswanath-Jung-Gorman also discloses one of the standard functions comprises starting and stopping a resource (col. 20: lines 38-44; Viswanath).

Regarding claim 42, Viswanath-Jung-Gorman also discloses the runtime MBeans, at an instrumentation level, to passively report the monitoring data to the monitor MBeans, at an agent level, according to a predetermined schedule (Figs. 1-2, col. 2: lines 41-51).

Claims 44 and 46 are rejected under the same logic.

Regarding claim 43, Viswanath-Jung-Gorman also discloses the runtime MBeans to actively report the monitoring data to the monitor MBeans at an occurrence of an event or in response to a request from a monitor MBean (Figs. 1-2, col. 2: lines 41-51).

Claims 45 and 47 are rejected under the same logic.

6. Claims 18, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath-Jung-Gorman, as applied to claim 15, 30 and 36, respectively above, in view of Ismael et al (US 6,061,721), hereinafter Ismael.

Regarding claim 18, Viswanath-Young-Gorman does not explicitly disclose a graphical user interface ("GUI") to hierarchically display the monitoring data associated with resources

associated with the server nodes based on a hierarchical tree arrangement of the server nodes in a hierarchical tree structure.

Ismael teaches beans are reusable software component which can be manipulated visually by GUI builder or Graphical user interface (col. 2: lines 23-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the well known GUI builder taught by Ismael in the system of Viswanath-Jung-Gorman, in order to manipulate the software commands easier using the virtually builder tools.

Claims 33 and 39 are rejected under the same basis.

5. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath-Jung-Gorman, as applied to claim 15 above, in view of Haller et al (US 2004/0244001).

Regarding claim 25, Viswanath-Jung-Gorman does not explicitly call for one of the specified events comprises a resource reaching a first threshold value indicating the resource is available.

Tsun teaches one of the specified events comprises a resource reaching a first threshold value indicating the resource is available (steps 56 and 66; Figure 3, ¶[0024-0025]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Haller's threshold in Viswanath-Jung-Gorman's system in order to monitor system tasks on the network.

Regarding claim 26, Viswanath-Jung-Gorman-Haller also discloses one of the specified events comprises the resource reaching a second threshold value representing a critical resource value indicating the resource is not available (steps 58-62; Figure 3, ¶[0024-0025]).

Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN KIM T. NGUYEN whose telephone number is (571)272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2400

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vkn